

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Action Case No. <u>4:13-cv-12161-MAG-MKM</u>
)	
)	
v.)	
)	
STEWART LEVINE)	
)	
Defendant.)	
_____)	

**DEFENDANT’S RESPONSE TO PLAINTIFF’S MOTION FOR ENTRY OF AN ORDER
REQUIRING DEFENDANT TO SHOW CAUSE WHY FINAL JUDGMENT SHOULD
NOT BE ENTERED AGAINST HIM**

Defendant, Stewart Levine (“Defendant”) by and through his counsel and pursuant to Fed. R. Civ. P. 7, and Fed. R. Civ. P. 56(b) in response to Plaintiff’s Motion for Entry of an Order Requiring Defendant to Show Cause Why Final Judgment Should Not Be Entered Against Him states:

1. Defendant and Plaintiff entered into a settlement agreement whereby Defendant would tender to Plaintiff the sum of seven-thousand dollars (\$7,000) in full satisfaction of the lawsuit, and Plaintiff would then dismiss with prejudice the current case pending before the court.
2. That sum was due and owing on April 30, 2014.
3. As part of that agreement, it was understood that Defendant was going in the process of attempting to refinance his home to cover the cost of settlement.

4. Both Counsel involved in this matter spoke prior to, and just after the deadline for the settlement payout, with the understanding that Defendant would likely not be able to be refinanced within the time allotted.

5. At this time, it is apparent to Defendant that he will likely not be able to refinance his home to cover the cost of the settlement agreement.

6. Defendant does not dispute that a properly executed settlement agreement was executed, and that the settlement agreement was due April 30, 2014.

7. Defendant admits that this settlement agreement was not satisfied within the time agreed, and under Fed. R. Civ. P. 56(b), moves that this court enter judgment in the original amount of the settlement agreement of seven-thousand dollars. Defendant requests that this court not enter attorney fees for the filing of the Motion for Judgment.

WHEREFORE, Defendant respectfully requests this Court enter a judgment in the amount of seven-thousand dollars, as provided by the settlement agreement.

Dated: July 17, 2014

Respectfully submitted,
GOWER REDDICK^{PLC}

By: /s/ Brian H. Jean
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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2014, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Brian H. Jean